



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor

Marc Miller, Acting Director

January 25, 2010

Mr. Eric Lecuyer
Department of Public Works
City of Crystal Lake
P.O. Box 597
Crystal Lake, IL 60039-0597

Mr. Steve Verseman
Baxter and Woodman
8678 Ridgfield Road
Crystal Lake, IL 60012

Re: Northwest Area Trunk Sewer Projects, Crystal Lake, McHenry County
Endangered Species Consultation Program
IDNR Project # 0706067, 0706070, 0706071, 0706074, 0706075, 0706076, 0706077, 0706078,
& 0706079

Dear Mr. Lecuyer & Mr. Verseman:

This letter concerns the Endangered Species Consultation for the Northwest Area Trunk Sewer projects noted above, located in Township 43 North, Range 8 East, Sections 6 and 7, Township 44 North, Range 7 East, Sections 35 and 36, and Township 44 North, Range 8 East, Section 31. The projects were submitted to consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The entire project involves a gravity sanitary sewer, a regional pumping station, and a force main for the City. The sewer and force main will be located in property owned by the City or by the Crystal Lake Park District, along various street rights-of-way, and in easements along Illinois Route 176. The sewer will also cross Crystal Creek at various locations.

The Department has completed its review of the project and determined that the action is likely to have an adverse impact on State-listed threatened **Blanding's Turtles**, *Emydoidea blandingii*, and may have an impact on the State-listed endangered **Yellow-headed Blackbird**, *Xanthocephalus xanthocephalus*. To minimize these impacts, the Department recommends the following measures be implemented by the consultant/developer and incorporated in Crystal Lake's project authorization.

Blanding's Turtles

1. Before work begins, provide information about Blanding's Turtles, including color photographs of juvenile and adult turtles, to everyone working on the project and discuss the plan for responding to

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potential encounters. The information should include details about their habitat requirements, breeding, nesting, and hibernation timeframes, what to do if one is encountered, and the definition and legal ramifications of a (incidental) take.

2. Employ exclusionary, silt fencing at trenches and excavations at all times during installation. All trenches and excavations should be securely covered at the end of each day's work. Trenches, excavations, and fencing will need to be inspected each morning by trained personnel, prior to work commencing, to ensure that reptiles and amphibians are not present or trapped.
3. Construction should be limited at this site to between late October and April 1 when Blanding's Turtles are hibernating and to avoid crushing or injuring turtles. If construction must occur between April and late October, then visual walk through surveys for Blanding's Turtles should be conducted daily, prior to work commencing.
4. If a Blanding's Turtle is encountered near, or within the project area, project work needs to immediately cease and the Department, and the McHenry County Conservation District (MCCD), should be immediately notified. On-site personnel should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen - noting it is a criminal act to handle this species. Incidental Take Authorization from the Office of Resource Conservation may be necessary if this species is encountered within the project area.
5. When informational packet to on-site personnel is finalized, provide a copy to the Department for our records that has the corresponding project name and number(s).

Yellow-headed Blackbirds

Records for this species exist within the boundary of Lippold Park. The Department recommends that before any work is conducted within the park's boundaries, that biological surveys be conducted to determine whether or not this species still inhabits the park's wetlands and thus may be impacted by this project. If this species still inhabits wetlands in Lippold Park, then avoidance measures and/or Incidental Take Authorization will be necessary. Survey results should be forwarded to the Department.

Consultation on the part of the Department is terminated. In accordance with 17 Ill. Adm. Code 1075.40(h), Crystal Lake staff must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not commenced within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

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The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys of field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Should you have any questions, please do not hesitate to contact me.

Cordially,

Kathi Davis
Impact Assessment Section
Division of Ecosystems and Environment
Office of Realty and Environmental Planning
Ph. (217) 758-5500, Fax (217) 524-4177

Enclosures

Cc: Brad Semel, IDNR Region II/Natural Heritage
Ray Eisbrener, IDNR/Region II/Wildlife
Steve Byers, INPC
Elizabeth Kessler, McHenry County Conservation District
Ed Weskerna, McHenry County Soil and Water Conservation District
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, Land Conservancy of McHenry County/1075.70